

**NIERODA & NIERODA, P.C.**  
**ATTORNEYS AT LAW**

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DANIEL W. NIERODA  
BARBARA L. NIERODA  
DANIEL W. NIERODA, JR.

LEGAL ASSISTANT

DEBORAH CALLAHAN

September 30, 2017

Honorable Robert D. Drain,  
United States Bankruptcy Court  
300 Quarropas Street  
White Plains, New York 10601

RE: Benjamin P. Bongiovi  
Case # 17-22520-rdd

Dear Judge Drain:

Enclosed herewith for service upon you please find Notice of Settlement (with attached proposed Order) on behalf of Benjamin P. Bongiovi, relative to the above-captioned bankruptcy proceeding. Said Notice of Settlement will be presented before your Honor on October 10, 2017 at 10:00 a.m.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Nieroda, Jr.', with a horizontal line drawn underneath it.

Daniel W. Nieroda, Jr.

CC: The Parties on the Attached Affirmation of Mailing

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

BENJAMIN P. BONGIOVI

Chapter 13  
Case No.: 17-22520-rdd

Debtors.  
-----X

PLEASE TAKE NOTICE that an Order permitting the sale of debtors home, of which the within is a true copy, will be presented for settlement to the Honorable Robert D. Drain, Bankruptcy Judge for the Southern District of New York, at the United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York 10601 on the 10th day of October, 2017 at 10:00 a.m. of that day to allow three (3) days for mailing and Seven (7) days for review by the Court.

PLEASE TAKE FURTHER NOTICE that all creditors as well as the Chapter 13 Trustee have been served with the instant Notice of Settlement with attached order. That objections to the attached Order, if any, must be filed with the Bankruptcy Court within three (3) business days prior to the date of Settlement of the Order.

Dated: Central Islip, New York  
September 30, 2017

NIERODA & NIERODA, P.C.

By: S/ DANIEL W. NIERODA, JR., ESQ.  
DANIEL W. NIERODA, JR., ESQ.  
Attorneys for Debtors  
320 Carleton Avenue, Suite 6400  
Central Islip, New York 11722  
(631) 232-9000

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

BENJAMIN P BONGIOVI

Chapter 13  
Case No.: 17-22520-rdd

Debtors.  
-----X

**AFFIRMATION OF MAILING**

STATE OF NEW YORK)

COUNTY OF SUFFOLK)

Daniel W. Nieroda, Jr., Esq., being duly sworn, deposes and says:

That I am not a party to the action.

On September 30, 2017, I mailed a copy of the Notice of Settlement of Proposed Order, by  
placing the same in a properly postpaid envelope addressed to:

AMERICAN EXPRESS  
CUTOMER CARE  
PO BOX 981535  
EL PASO, TX 79998-1535

ARS NATIONAL SERVICES  
PO BOX 469046  
ESCONDIDO, CA 92046-9046

CAPITAL ONE  
CENTRAL CUSTOMER ASSIST.  
2730 LIBERTY AVENUE  
PITTSBURGH, PA 15222

CHASE  
PO BOX 94014  
PALATINE, IL 60094-4014

CHASE  
PO BOX 4661  
HOUSTON, TX 77210

CHASE

PO BOX 15548  
WILMINGTON, DE 19886

CITIBANK  
CITIBANK CLIENT SERVICES  
PO BOX 769013  
SAN ANTONIO, TX 78245-9013

CLIENT SERVICES INC  
3451 HARRY TRUMAN BLVD.  
SAINT CHARLES, MO 63301-4047

DISCOVER BANKRUPTCY DEPT  
PO BOX 3025  
NEW ALBANY, OH 43054

ENERBANK USA  
PO BOX 26856  
SALT LAKE CITY, UT 84126-0856

FIRSTSOURCE ADV  
205 BRYANT WOODS SOUTH

BUFFALO, NY 14228

FORSTER & GARBUS  
60 VANDERBILT MOTOR PKWY  
COMMACK, NY 11725

LENDING CLUB  
71 STEVENSON STREET  
STE 300  
SAN FRANCISCO, CA 94105

LENDING CLUB  
WEB BANK  
215 SOUTH STATE ST, SUITE 8  
SALT LAKE CITY, UT 84111

MIDLAND CREDIT MGMT  
PO BOX 13105  
ROANOKE, VA 24031-3105

NATION WIDE CREDIT  
PO BOX 26314  
LEHIGH VALLEY, PA 18002-6314

PAYPAL  
PO BOX 960080  
ORLANDO, FL 32896-0080

PORTFOLIO RECOVERY ASSOC  
120 CORPORATE BLVD.  
SUITE 100  
NORFOLK, VA 23502

SEARS CREDIT CARDS  
PO BOX 9001055  
LOUISVILLE, KY 40290-1055

SPRINT  
PO BOX 54977  
LOS ANGELES, CA 90054

SYNCHRONY BANK

Jeffrey L. Sapir

PO BOX 960061  
ORLANDO, FL 32896-0061

SYNERGETIC COMMUNICATIONS  
5450 NW CENTRAL  
#1000  
HOUSTON, TX 77092-2016

TD BANK NA  
PO BOX 16035  
LEWISTON, ME 04243-9517

UNITED COLLECTION BUREAU  
5620 SOUTHWICK BLVD  
SUITE 206  
TOLEDO, OH 43614

VW CREDIT INC  
300 TICE BLVD # 230  
WOODCLIFF LAKE, NJ 07677

VW FINANCE  
PO BOX 5215  
CAROL STREAM, IL 60197-5215

WESTCHESTER SUPREME COURT  
CLERKS OFFICE  
111 DR. MARTIN LUTHER KING JR.  
WHITE PLAINS, NY 10601

United States Trustee  
201 Varick Street #1006  
New York, New York 10014

PHH Mortgage Corporation  
c/o Shapiro DiCaro & Barak, LLC  
One Huntington Quadrangle #3N05  
Melville, New York 11747

PHH Mortgage Corporation  
One Mortgage Way  
MailStop SV01  
Mt. Laurel, New Jersey 08054

Chapter 13 Trustee  
399 Knollwood Road  
White Plains, New York 10603

S//Daniel W. Nieroda Jr., Esq.  
Daniel W. Nieroda, Jr. Esq.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

BENJAMIN P BONGIOVI

Chapter 13  
Case No.: 17-22520-rdd

Debtors.  
-----X

**ORDER**

NIERODA & NIERODA, P.C, Attorneys for the Debtor herein, having moved for an Order granting permission for the sale of Debtors' property, a hearing having been held on September 27, 2017 and no objection thereto having been received by the Court at least five (5) days prior and no objection having been received to the Settlement of this Order after due notice thereof, and it appearing that the Debtor elects to sell his real property, and sufficient reason and cause appearing therefor, it is, on application of NIERODA & NIERODA, P.C., attorneys for BENJAMIN P BONGIOVI, it is,

ORDERED, that the motion of NIERODA & NIERODA, P.C., is granted in all respects, and it is further;

ORDERED, that the proceeds remaining after payment of all necessary costs of the closing as well as the pay-off of PHH Mortgage Corporation's mortgage lien, will be placed in Attorney Escrow pending confirmation of the Debtor's Chapter 13 Plan, and it is further;

ORDERED, that the Debtor has been granted permission for the sale.

Dated: \_\_\_\_\_, 2017  
White Plains, New York

\_\_\_\_\_  
HONORABLE ROBERT D. DRAIN, U.S.B.J.